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United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Agricultural  
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Livestock and Seed  
Program

# Items of Interest in Seed Control

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## Winter 1998

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Seed Regulatory and Testing Branch  
Room 209, Building 306, BARC-East  
Beltsville, Maryland 20705-2325  
301-504-9430





## **SUBMITTING A FEDERAL SEED ACT COMPLAINT**

Most Federal Seed Act (FSA) cases start when a State seed control official submits a complaint to the Seed Regulatory and Testing Branch (SRTB). While most seed regulatory officials are aware of the information needed for a complaint, newer seed control officials may not be sure of the information needed. Although we developed the checklist for State seed control officials, anyone may use it to send us a complaint. The records listed usually represent the ideal situation. We know that all or part of the information listed is often unavailable and sometimes not applicable. For example, a State's stop sale order can be submitted instead of a sample, inspector's report, and seed analysis report when the inspector issues a stop sale without sampling the seed. When information is not available, send us the records that are. If we need the missing information, we can often obtain it from the shipper.

**Information needed for seed quality complaints** (pure seed, other crop seed, weed seed, germination, noxious-weed seed, and treatment complaints):

- **Official sample** large enough to test for the factor or factors in question.
- **Inspector's report** or other sampling record.
- **Labeling** or exact copy of the interstate shipper's labeling such as a master tag, laboratory report, or invoice showing the labeling.
- **Official test report** showing official analysis and cited violations.
- **Interstate movement** such as a copy of the shipper's invoice or bill of lading unless that information is documented on the inspector's report.

**Information needed for technical complaints** (Technical complaints include incomplete labeling, expired test date, failure to show shipper's identity, and similar violations that do not usually affect seed quality.):

- **Inspector's report** or other sampling record.
- **Labeling** or exact copy of the interstate shipper's labeling such as a master tag, laboratory report, or invoice showing the labeling.
- **Official test report** showing analysis and cited violations.
- **Interstate movement** such as a copy of the shipper's invoice or bill of lading unless that information is documented on the inspector's report.

**Information needed for complaints of false or misleading seed advertising:**

- **Copy of the advertisement**
- **Violation report** showing the misleading nature of the advertisement.



- **Identity of the publication** where the advertisement was found including its name and its date of publication.

**Information needed for Title V complaints** (selling, offering for sale, or advertising by variety name, uncertified seed of a Plant Variety Protected variety that requires certification):

- **Advertisement or record of sale** such as an invoice, sales ticket, a sworn affidavit, copy of the advertisement (including the date and source), etc.
- **Variety representation** such as an analysis tag, invoice, a sworn affidavit, etc., if a variety name is not shown on the advertisement or record of sale.
- **Information that the seed was not certified**

If you have any questions, please call the Seed Marketing Specialist responsible for liaison with your region or Branch Chief Jim Triplitt. Marketing Specialists for each region are Steve Hurst, north central, 301-504-9356; Don Dreyer, northeast, 301-504-9188; Harold Laswell, southern, 301-504-8426; and Jonathan Farmer, western, 301-504-8183.

## **TRUENESS-TO-VARIETY RESULTS FOR 1997**

We have completed another year of trueness-to-variety (TTV) testing. The overall results are shown on the following table.

Winter crops of carrot and radish were completed last spring. Results for the carrot tests were inconclusive because we were not sure if environmental conditions caused misshapen roots or if varietal problems caused the misshapen roots.

Evaluation of the tall fescue samples, planted at Upper Marlboro, MD, by SRTB staffers in cooperation with the University of Maryland, found some mislabelings. However, the Kentucky 31 tall fescue samples, which are still being evaluated, appear to be generally better than the last time we tested the Kentucky 31 variety several years ago.

Spring small grain plantings at Brookings, SD, went very well. Dale Reeves is our cooperator in South Dakota.

Results were mixed for the Texas trials of melons and pumpkins. The melon results were good and problem samples were identified. The pumpkins, however, did not set fruit well, so evaluations were inconclusive. Excessive heat at pollination was probably to blame for the failure of the pumpkins to set fruit. Edward Beren conducts the Texas trials.

The Virginia cowpea trials conducted by Berkeley Glenn and Steve Cobb went well. Many apparent mislabelings were detected. Cowpea remains a crop kind that warrants attention.



SITE	CROP	SAMPLES TESTED	APPARENTLY MISLABELED	PERCENT MISLABELED
Florida	carrot	87	*	*
	radish	99	14	14.1
Georgia	small grains	458	IN PROGRESS	
Kansas	wheat	209		
	barley	63		
	triticale	3		
Louisiana	brussels sprouts	19		
	cabbage	82		
	collards	4		
Maryland	tall fescue	184	24	13.0
	red fescue (retest)	8	8	100
	garden bean	12	0	0
	tomato	1	0	0
	Kentucky bluegrass	120	IN PROGRESS	
South Dakota	spring wheat	84	4	4.8
	spring barley	51	1	2.0
	spring oat	102	9	8.8
Texas	pumpkin	128	0	0
	melon	95	5	5.5
Virginia	cowpea	338	42	12.4

\* Carrot samples were not tabulated because environmental factors may have affected the results.

### TRUENESS-TO-VARIETY TESTING FOR 1998

The SRTB plans to grow lima beans and soybeans at four TTV test sites during 1998. In addition to this article, requests for samples have been mailed to State seed control officials and seed laboratory managers. The mailing includes SRTB-addressed mailing labels for sending the samples to us. We hope to have good participation this year as has been the case in the past.



Please note the minimum sample sizes shown in the following table. Send samples to arrive at the SRTB by the specified cut-off dates. For more information, contact Variety Specialist Al Burgoon, Room 213, Building 306, BARC-East, Beltsville, MD 20705-2325, telephone 301-504-8138. Thank you for your cooperation.

#### TTV Crops for 1998

Crop	Site	Minimum sample size	Cut off Date
lima bean	Southern University	300g	April 10
soybean	Texas	100g	May 15
soybean	Virginia	100g	May 15
soybean	University of Minnesota	100g	May 15

#### OUR THANKS TO SURVEY PARTICIPANTS

During the latter part of 1997 we conducted a customer needs survey, by telephone, of a sample of State seed control officials, State laboratory supervisors, seed certification personnel, and industry representatives. The survey was done to help us better understand how what we do and how we do it affects our customers. We are studying the answers and information and hope to learn how we can provide better service to everyone. Thank you, participants, for taking the time to reply to our questions.

#### AMS CODES

The Agricultural Marketing Service issues code numbers that are used in seed labeling. These codes are identified with the letters "AMS" followed by a series of numbers (currently, 4 digits). We are often questioned about the AMS Code number that is sometimes shown on a seed analysis tag. The FSA requires that the label for seed shipped in interstate commerce show either the shipper's name and address or the shipper's AMS Code and the consignee's name and address. The code is most often used when a company packs seed for sale by another firm. Sometimes the company may not want its customers to know who supplied the seed. Knowing who the supplier is would allow the customer to go directly to the supplier. Usually, the AMS Code is used so a consignee can reship seed without having to relabel it. For example, John Doe Seed Company, Anywhere, Oregon, ships seed to Acme Seed Company, Somewhere, Maryland, with John Doe Seed Company's AMS Code and Acme Seed Company's name and address on the label. Since the label shows Acme Seed Company's name and address, Acme can reship to another State without the expense of relabeling the seed just to show Acme's name and address. A seed company can get an AMS Code by simply contacting the SRTB and requesting one.

AMS Codes are "administratively confidential." However, because of our cooperative agreement with the States, we can furnish a list of AMS Codes to State seed control officials for use in enforcing state seed laws. Please contact Jonathan Farmer, Room 209, Building 306, BARC-East, Beltsville, MD 20705-2325, telephone 301-504-8183 if you need a list.



## **VIRGINIA ASSESSMENT POLICY**

In our last issue we reported on a Seed Labeling Workshop held in Oregon and sponsored by the Oregon Seed Trade Association and the Oregon Department of Agriculture. SRTB Marketing Specialist Harold Laswell was our representative at the Oregon meeting. At the Oregon meeting the issue of Virginia penalty assessments was raised. Some attending seed company representatives said that although they did not ship into a given State (such as Virginia) they were still required to pay assessment fees. For example, an Oregon seed company shipped seed to a consignee in Tennessee. The Tennessee company reshipped the seed to Virginia. The Tennessee shipper failed to relabel the seed to show its own name and address. Virginia seed officials found a violation of their seed law and held the Oregon supplier responsible for the assessment. To legally allow reshipment by the Tennessee company to the Virginia company without the seed needing to be relabeled, the AMS number of the Oregon supplier could have been shown on the label along with the name and address of the Tennessee seed shipper. Had the intermediate shipper been identified, Virginia would have held the Tennessee shipper responsible for the penalty assessment.

Section 201(a)(9) of the FSA and Sections 201.23 and 201.24 of the FSA regulations specify, in part, that seed shipped interstate shall be labeled to show the name and address of either (A) the person who transports, or delivers for transportation, the seed into interstate commerce or (B) the person to whom the seed is sold or shipped for resale, together with a code designation (*i.e.*, AMS Code number) approved by the Secretary of Agriculture.

We discussed the concerns of the Oregon seed company representatives with Virginia seed control official J.R. Crane. Mr. Crane explained Virginia's seed enforcement policy and submitted the following article:

### **Virginia Seed Enforcement Policy**

The Virginia Seed Law as amended in 1994 includes a provision for assessments for seed lots that vary from the guarantees on the label. The law states the assessment shall be made "upon the person whose name appears on the label." While this statement is readily understandable, often confusion and questions arise because of multiple or intermediate shippers and the question of whose name **should** appear on the label.

Most seed planted in Virginia is imported from other states. Sections 201.23 and 201.24 of the Federal Seed Act Regulations define the person whose name should appear on the seed label for interstate shipments. Virginia seed control officials make every attempt to determine the person responsible for shipping or delivering for shipment the seed into Virginia. This task is often difficult due to the manner in which the seed is labeled and the failure of intermediate shippers to follow the requirements of the Federal Seed Act.

As an example, let us say an out-of-state shipper of a lot of seed places on the label the name and address of the consignee and the allowed Federal code designation for the shipper. If the consignee is in Virginia, the out-of-state shipper will be held responsible for paying any assessment for variance from the label guarantees. If the consignee is in another state and subsequently ships the seed into Virginia, the consignee becomes the



party responsible for paying any assessment. That consignee becomes the shipper who shipped or delivered for shipment the seed into Virginia and is responsible for assuring the seed meets the requirements of the Virginia Seed Law.

As another example, let us say the out-of-state shipper only places their name and address on the label. Virginia seed control officials attempt to determine through invoices if there has been an intermediate shipper. If an intermediate shipper can be determined, that shipper is held responsible for any assessment. If an intermediate shipper cannot be determined, the out-of-state shipper whose name appears on the label is held responsible for any assessment. The out-of-state shipper has the option of providing written documentation that the shipment was made to a firm in another state. If the documentation is complete, Virginia will reassign the assessment to the intermediate shipper. Virginia does not consider a broker that arranges a shipment from an out-of-state shipper to a Virginia consignee to be an intermediate shipper.

Virginia seed control officials attempt to identify the firm responsible for shipping or delivering seed for shipment into Virginia. Seed firms can assist this process by correctly labeling seed lots according to the Federal Seed Act and maintaining clear and concise shipping records.

#### **FEDERAL SEED ACT CASES SETTLED**

The following cases were settled administratively under the FSA between October 1 and December 31, 1997. Under the administrative settlement procedure, the SRTB and the firms agreed to settle the cases for the amount specified with the firms neither admitting nor denying the charges:

- Ernst Conservation Seeds, Meadville, PA, has paid \$2,400 for false labeling of test date and germination and purity percentages; failure to test for germination percentage within the prescribed period before interstate shipment; failure to show required information for a seed component; and failure to keep required records. Seed regulatory officials in Kentucky and Maryland cooperated in the initial sampling and inspection.
- Farmers Ag Center, Mountain Grove, MO, has paid \$6,000 for false labeling of germination, purity, and noxious-weed seeds; shipping seeds containing noxious-weed seeds in excess of State limits; and failure to label the presence of noxious-weed seeds, to keep required records, and to show shipper's identity. Seed regulatory officials in Alabama, Kentucky, Maryland, and Tennessee cooperated in the initial sampling and inspection.
- Lesco, Inc., Rocky River, OH, has paid \$600 for false labeling as to noxious-weed seeds and failure to label the presence of noxious-weed seeds. Seed regulatory officials in Maryland and Virginia cooperated in the initial sampling and inspection.
- Lofts Great Western, Albany, OR, has paid \$1,200 for false labeling as to pure seeds, other crop seed, inert matter, and noxious-weed seeds; and failure to label the presence of noxious-weed seeds. Seed regulatory officials in Virginia cooperated in the initial sampling and inspection.



## RYEGRASS FLUORESCENCE LIST

The National Grass Variety Review Board issues the ryegrass fluorescence list. We have not received any changes since our last issue.

Perennial Ryegrass <u>Variety Name</u>	Percent Varietal <u>Fluorescence</u>	Perennial Ryegrass <u>Variety Name</u>	Percent Varietal <u>Fluorescence</u>	Perennial Ryegrass <u>Variety Name</u>	Percent Varietal <u>Fluorescence</u>
2CB	1.97%	Gator	0.88%	Riviera	0.58%
89-90	2.15%	Gettysburg	2.74%	Riviera II	1.08%
90-14 <sup>1</sup>	7.12%	Greenland	1.20%	Roadrunner	2.53%
246	0.27%	Grimalda	2.00%	Rodeo II	2.47%
856	0.87%	Imagine	1.31%	SR 4100	0.37%
Academy	2.33%	ISI-RUPR (Gator II) <sup>1</sup>	2.50%	SR 4200	0.34%
Accent	0.56%	ISI-R2 (R2) <sup>1</sup>	1.25%	Seville	0.33%
Accolade	4.83%	Koos 90-2 <sup>1</sup>	3.85%	Sherwood	1.08%
Accord	4.08%	LRF-94-B6 (Prelude III) <sup>1</sup>	0.59%	Shining Star	0.10%
Achiever	0.93%	LRF-94-C8 <sup>1</sup>	0.64%	Stallion Select	2.37%
Advent	0.14%	LRF-94-B7E <sup>1</sup>	0.65%	Stardance <sup>1</sup>	1.90%
Affinity	0.77%	LRF-94-MPRH (Palmer (II)) <sup>1</sup>	0.23%	Statesman	1.27%
Agresso	2.00%	LRF-94-C7 <sup>1</sup>	0.80%	Statesman II	3.10%
All Star	0.47%	Laredo <sup>1</sup>	0.53%	Target	3.28%
Allaire II	1.15%	Legacy	0.37%	Tonga	11.53%
APM	0.59%	Lindsay	1.72%	Top Hat	0.77%
Aquarius	0.97%	Line Drive	2.72%	Topeka	2.34%
Assure	0.72%	Linn	5.00%	Vantage	2.19%
Bedford	1.40%	Lowgrow	1.31%	Wind Star	0.47%
Blackhawk	1.17%	Lynx	4.19%	Wizard	2.57%
Blazer III	1.18%	Magic	1.21%	Yorktown III	1.42%
Boardwalk	2.72%	Majesty	1.59%		
Breeze	1.57%	Manhattan II	0.65%	Annual	Percent
Brightstar	1.79%	Manhattan 3	0.88%	Ryegrass	Varietal
Brightstar II	2.24%	Morningstar	0.87%	<u>Variety Name</u>	<u>Fluorescence</u>
Buccaneer	2.01%	Mulligan	1.86%		
C-21 <sup>1</sup>	6.28%	Navajo	0.37%	Florida 80	98.89%
Caliente	0.74%	Newlinn	5.85%	Grazer	99.78%
Calypso	1.29%	NightHawk	1.39%	Gulf	99.02%
Calypso II	0.47%	Nobility	3.26%	Jackson	98.80%
Catalina <sup>1</sup>	3.18%	Nomad	1.03%	Marshall	96.00%
Cathedral	0.85%	Nova	1.00%	Rio <sup>1</sup>	98.97%
Charisma	2.39%	Omega 3	0.73%	Surrey	98.91%
Chaparral	1.62%	Omni	0.51%	TAM 90	98.45%
Chattam <sup>1</sup>	2.11%	Pageant	2.22%		
Citation III	0.96%	Palmer	1.04%		
Commander	1.02%	Palmer II	1.51%	<sup>1</sup> Experimental Designation and/or	
Cutter	1.65%	Passport	1.06%	Variety	
Dancer	0.78%	Patriot II	0.42%		
Dandy	2.00%	Pegasus <sup>1</sup>	2.41%		
Delaware Dwarf	0.61%	Pennant	0.50%		
Derby Supreme	2.85%	Pennant II	1.63%		
Dillon	4.14%	Pick PR 84-91 (Headstart) <sup>1</sup>	2.09%		
Divine	3.09%	Pick PR 15-91 (Jiffie) <sup>1</sup>	6.06%		
Edge	1.73%	Pleasure	1.42%		
Elegance	1.51%	PR8820	0.79%		
Elf	0.75%	Prelude	1.72%		
Elite	4.84%	Prelude II	2.25%		
Envy	0.22%	Prizm	0.71%		
Equal	1.98%	Quickstart	0.18%		
Evening Shade	1.17%	Regency	0.99%		
Excel	1.53%	Repell	0.33%		
Express	1.00%	Repell II	1.56%		
Fiesta II	1.14%	Reveille	2.00%		







Additions  
and  
Deletions  
Plant Variety Protection  
Certificates





# PLANT VARIETY PROTECTION CERTIFICATES

(Issued October 21, 1997, through January 13, 1998)

KIND VARIETY	APPLICANT	TITLE V 1994 (GEN.)	PVPA
BEAN, FIELD Santiago	Rogers Seed Co.		Y
BEAN, GARDEN Lodi	Seminis Vegetable Seeds, Inc.		
Teseo	Rogers Seed Co.		Y
CORN, FIELD LH178	Holden's Foundation Seeds, Inc.		Y
COTTON LA 887	Louisiana Agricultural Experiment Station		
LETTUCE Desert Storm	Harris Moran California		Y
Express	Harris Moran California		Y
Premiere	Harris Moran California		Y
ONION NuMex Centric	New Mexico State University Agricultral Experiment Station	Y (3)	Y
PEA Caselode	W. Brotherton Seed Co., Inc.		Y

(\*) No limit to the number of generations of certified seed beyond breeders seed.

# PLANT VARIETY PROTECTION CERTIFICATES

(Expired October 21, 1997, through January 13, 1998)

KIND	VARIETY	APPLICANT	TITLE V 1994 (GEN.) PVPA
ALFALFA			
	Citation	Agipro Seeds, Inc.	
	Oneida	Cornell University	Y (2)
		Agricultural Experiment Station	
BEAN, GARDEN			
	Golden Sands	Ferry-Morse Seed Company	
	Pirate	Seminis Vegetable Seeds, Inc.	
BENTGRASS, COLONIAL			
	Duchess	Germinal Holdings Ltd., U.K.	
BENTGRASS, CREEPING			
	Penneagle	Pennsylvania Agricultural Experiment Station	Y (1)
COTTON			
	Dawson V-14	Dawson County Seed Company	
	PR 75	Delta and Pine Land Company	Y (3)
	PR 80	Rosebud Cottonseed Treating Company, Inc.	Y (3)
MARIGOLD			
	Queen Bee	Denholm Seeds	
PEA			
	Goal	Seminis Vegetable Seeds, Inc.	
RYEGRASS, PERENNIAL			
	Caravelle	Mommersteeg International B.V.	

(\*) No limit to the number of generations of certified seed beyond breeders seed.



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